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**GROUP 3600**

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventors: BOIES et al.

Application No.: 09/628,233

Filing Date: July 28, 2000

For: **SYSTEM AND METHOD FOR  
PROVIDING DECENTRALIZED  
E-COMMERCE**

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)  
) Group Art Unit: 3624

)  
) Examiner: Wasylchak, Steven R.

)  
) **REPLY BRIEF**

)  
) Attorney Docket No.: I01.090  
) (IBM Ref.: YOR9200000265US01)

)  
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**CERTIFICATE OF MAILING UNDER 37 CFR 1.8**

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Dated: September 27, 2004

By: 

Jill Holme

**Mail Stop Appeal Brief - Patents**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Appellants file this reply to the Examiner's Answer mailed on July 27, 2004.

For the most part the Examiner's Answer does not break new ground, and Appellants will rest on the points made in the Appeal Brief, except for a few additional comments set forth below.

\* \* \* \* \*

(A) The Examiner continues to assert that the Anderson reference teaches a "dual or multiple, not single, tagging structure—a domain tag and a category tag." (Examiner's Response at page 7, para. D). The Examiner asserts that Anderson's domain and category tags are "functionally equivalent to the Appellant's portal tag ... and provider tag". (*Id.*). Appellants again respectfully assert that Anderson teaches a single tagging standard, and that the "domain" and "category" tags of Anderson are not "tagging standards," but are simply "tags" within a single tagging standard.

More particularly, Anderson's "tagging standard" is the "index" described, for example, at col. 2, lines 36-47 as "essentially a guide that is used to locate information stored in a database" and which includes "tags that correspond to categories and domains." Information can be retrieved because it is properly tagged using the single tagging standard. Anderson further discusses this index and its associated tags at Col. 7, line 18 – col. 8, line 65 (discussing the various types of tags included in the index as well as example data elements). Anderson continues at Col. 8, line 65 – col. 9, line 17, stating "In the exemplary embodiment discussed herein, the index includes a set of eXtensible Markup Language (XML) tags and metafiles.... XML can be used to create a universal search vocabulary using a common set of XML tags so that an IR system can access information located in any database that uses the common set of XML tags." (emphasis added).

Anderson describes a single tagging structure and does not teach or suggest the use of both portal tags and provider tags (nor does Anderson perform any cross-reference between two schemes). Appellants respectfully assert that the Examiner's contention is not supported by the plain teachings of Anderson.

\* \* \* \* \*

(B) The Examiner references an unknown third party ("Dr. Henry Tsai") in paragraph D on page 7 of the Answer. If the Examiner relies on testimony or evidence provided by Dr. Tsai, Appellants respectfully request that further information regarding the capacity in which Dr. Tsai provides such testimony or evidence, as well as his qualifications.

\* \* \* \* \*

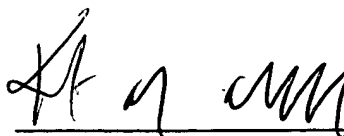
(C) In paragraph 6 of the Answer, the Examiner recites his grounds of rejecting each of the claims of the application. The rejection, however, is remarkable in that it ignores the language of the claims of the application, and instead recites various teachings of the cited references. The Examiner errs in failing to consider the currently presented claim language, which sets forth the scope of the invention for which protection is now sought. As the CAFC has stated, "the name of the game is the claim".<sup>1</sup> The present claims language specifically recite a number of elements apparently ignored by the Examiner.

\* \* \* \* \*

As required by 37 CFR §1.192(a) (and as permitted by the recent rule changes to 37 CFR §41.41), this Reply Brief is filed within two months from the date of mailing of the Examiner's Answer (*i.e.*, within two months of July 27, 2004). As such, no extension of time is believed due. However, if any additional fees are due in conjunction with this matter, the Commissioner is hereby authorized to charge them to Deposit Account 50-0510.

If any issues remain, or if the Examiner or the Board has any further suggestions for expediting allowance of the present application, kindly contact the undersigned using the information provided below.

Respectfully submitted,



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September 27, 2004  
Date

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<sup>1</sup> *In re Hiniker Co.*, 150 F.3d 1362,1369 (Fed Cir. 1998).